



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO. 039386-0924

Applicant: Janice AU-YOUNG et al.

Title: TWO NEW HUMAN DNAJ-LIKE PROTEINS

Appl. No.: 09/501,714

Filing Date: 02/10/2000

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NOV 18 2004

Appeal No.: 2003-1817

Examiner: E. Slobodyansky

TECH CENTER 1600/2900

Art Unit: 1652

AMENDMENT AND REPLY

Mail Stop Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This communication is responsive to the Decision of the Board of Appeals and Interferences dated August 31, 2004. On page 9 of the Decision, the Board states that within two months from the date of the Decision, Applicants may “[s]ubmit an appropriate amendment of the claims so rejected or a showing of facts relating to the claims so rejected, or both, and have the matter reconsidered by the examiner, in which event the application will be remanded to the examiner...” The present Amendment is being submitted within two months of the date of the Decision. Therefore, the application should be remanded to the examiner.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this document.

Remarks begin on page 5 of this document.

Please amend the application as follows.

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BOARD OF PATENT APPEALS
AND INTERFERENCES

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AMENDMENT TRANSMITTAL
TECH CENTER 1600/2900

Mail Stop Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

- Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.
- Assertion of Small Entity status is enclosed.
- The fee required for additional claims is calculated below:

	Claims As Amended	Previously Paid For		Extra Claims Present	x	Rate		Additional Claims Fee
Total Claims:	9	-	22	=	0	x	\$18.00	=
Independent Claims:	2	-	3	=	0	x	\$88.00	=
First presentation of any Multiple Dependent Claims: +							\$300.00	=
CLAIMS FEE TOTAL								\$0.00

- Applicant hereby petitions for an extension of time under 37 C.F.R. § 1.136(a) for the total number of months checked below:

<input type="checkbox"/>]	Extension for response filed within the first month:	\$110.00	\$0.00
<input type="checkbox"/>]	Extension for response filed within the second month:	\$430.00	\$0.00
<input type="checkbox"/>]	Extension for response filed within the third month:	\$980.00	\$0.00
<input type="checkbox"/>]	Extension for response filed within the fourth month:	\$1,530.00	\$0.00
<input type="checkbox"/>]	Extension for response filed within the fifth month:	\$2,080.00	\$0.00
		EXTENSION FEE TOTAL:	\$0.00
<input checked="" type="checkbox"/>]	Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$110.00	\$220.00
		CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:	\$220.00
<input type="checkbox"/>]	Small Entity Fees Apply (subtract ½ of above):		\$0.00
		TOTAL FEE:	\$220.00

] Please charge Deposit Account No. 19-0741 in the amount of \$0.00. A duplicate copy of this transmittal is enclosed.

] A check in the amount of \$220.00 is enclosed.

] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

10/28/04
Date

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 945-6142
Facsimile: (202) 672-5399

Eve L. Frank

Eve L. Frank
Attorney for Applicant
Registration No. 46,785